

IN RE: PETITION FOR SPECIAL HEARING
SW/S Thornton Mill Road
124' NW of the c/l of York Road
9th Election District
3rd Councilmanic District
Kenneth T. Bosley, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-315-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the use of the subject property as a parking area for commercial vehicles in accordance with Petitioner's Exhibit 1.

The Petitioners, by Kenneth T. Bosley, appeared and testified. Also appearing on behalf of the Petition was Bennie Richard Delawder, Contract Lessee. The following individuals appeared as Protestants in the matter: Monica Cooke, Jimmy Edmunds, Paul A. Hupfer, and Richard G. Ballard.

Testimony indicated that the subject property consists of 0.1820 acres, more or less, zoned R.C. 4 and is presently unimproved but for a portion of its having a gravel surface. Petitioner testified he leases the subject property to Mr. Delawder who owns and operates a tree service company. Testimony indicated that as a result of a complaint filed with the Zoning Office, Petitioner was advised to file the instant Petition for permission to continue such use.

Mr. Bosley testified that the subject property has been in his family since the mid 1800's, during which time it was the site of a mill with four mill houses across the street, one of which is currently rented to Mr. Delawder for residential purposes. Mr. Bosley stated he acquired the subject property in 1957 and that to the best of his knowledge, it has

been used as a parking lot for school buses and trucks of all types at various times over the past 50 years. He further testified that from time to time, Baltimore County as well as the State Highway Administration has used the subject property to park commercial vehicles during times of construction in the area.

Mr. Delawder testified he lives across the street from the subject property and has been storing commercial vehicles and equipment relative to his tree service company on the site for approximately the past 2 years. Initially, said parking was without the permission of Petitioner and sometimes only along the side of the road. He testified his company is in the business of trimming and removing trees and stumps, as well as planting and landscaping. Mr. Delawder testified that currently the equipment stored on the property consists of 1 dump truck, 1 GMC Crane truck, 2 to 3 chippers, 2 to 3 stump riders, a couple of 4-wheel drive trucks, and a personal recreational vehicle (camper). He stated that the vehicles and equipment stored on the property are of considerable value and that because he resides across from the site, he is able to guard the property from any potential theft or vandalism. Mr. Delawder testified he was robbed three times in the past. Further testimony indicated that the property was paved with crusher run material some years ago and that the front section was resurfaced a few years ago to keep the road clear from the equipment dragging mud onto the street. Mr. Delawder testified that his use of the property is limited to the storage and parking of commercial vehicles and equipment only, that there is no harmful effect on the environment as a result of such use, and that no maintenance, repair or washing of vehicles takes place on the site. Mr. Delawder stated that he has been in business for himself for the past 40 years and that prior to

the tree service business, he was in paving and construction. However, as a result of a heart attack in 1975, he got out of the construction business and began the tree service operation with his son and brother. Prior to his using the subject property, Mr. Delawder stored the vehicles on York Road. Mr. Delawder further testified that in his opinion, the use of the property as a parking area for his commercial vehicles and equipment does not conflict with the requirements in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and that there is no detriment to the health, safety or general welfare of the surrounding community.

Mr. Edmunds appeared and testified as a Protestant on behalf of the Greater Sparks Glencoe Community Council. He stated he is Chairman of the Environment Committee and that they are opposed to the relief requested for environmental concerns as the subject property is close to Western Run and is located in a flood plain. Mr. Edmunds further testified the crusher run paving will eventually seep into the ground and adversely affect ground water and surface water. He stated that during heavy rains, oil lubricants from the subject property drain off into Western Run.

Ms. Cooke testified she lives on Thornton Mill Road and is concerned that the subject use will result in a decrease of her property's value. She indicated she moved to the area in 1986. Ms. Cooke testified that it was only approximately one year ago that she noticed commercial vehicles being parked on the subject site.

Mr. Hupfer testified as a Protestant on behalf of the Greater Sparks Glencoe Community Council that he is familiar with the site and that the site has only been used to store commercial vehicles for the past 7 or 8 months. He testified that he is opposed to the use proposed as a result of the property being environmentally sensitive and that in his

opinion, the use constitutes a contractors storage yard or trucking facility which is not permitted in a residential zone.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use is permitted under the zoning regulations. While some of the testimony would indicate that the use of the subject property for parking and storage of commercial vehicles and equipment has occurred over the years, there was no evidence such use was uninterrupted as required by Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner has not established a nonconforming use for same nor has he applied for such use.

The proposed use will be detrimental to the health, safety, or general welfare of the locality and would be inconsistent with the purposes of the property's zoning classification and inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the relief requested in the special hearing should be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of March, 1990 that the Petition for Special Hearing to approve the use of the subject property as a parking area for commercial vehicles, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/12/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/12/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/12/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/12/91
By [Signature]

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

parking of commercial vehicles on the Thornton Mill property
by a determination from the Zoning Commissioner.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon the filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

| | |
|--|--|
| Lessee Contract Purchaser: Bennie R. Delawder, T/A County Tree Experts (Type or Print Name) Signature 13816 York Road, Sparks, Md. 21152 Address 252-8080 | Legal Owner(s): Kenneth T. Bosley, Et. Ux. (Type or Print Name) Signature Phyllis R. Bosley (Type or Print Name) Signature Box 585 771-4316 Address Phone No. Sparks, Md. 21152 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Name Address Phone No. |
|--|--|

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

J. Robert Hines
Zoning Commissioner of Baltimore County.

ECO-M-1

(over)

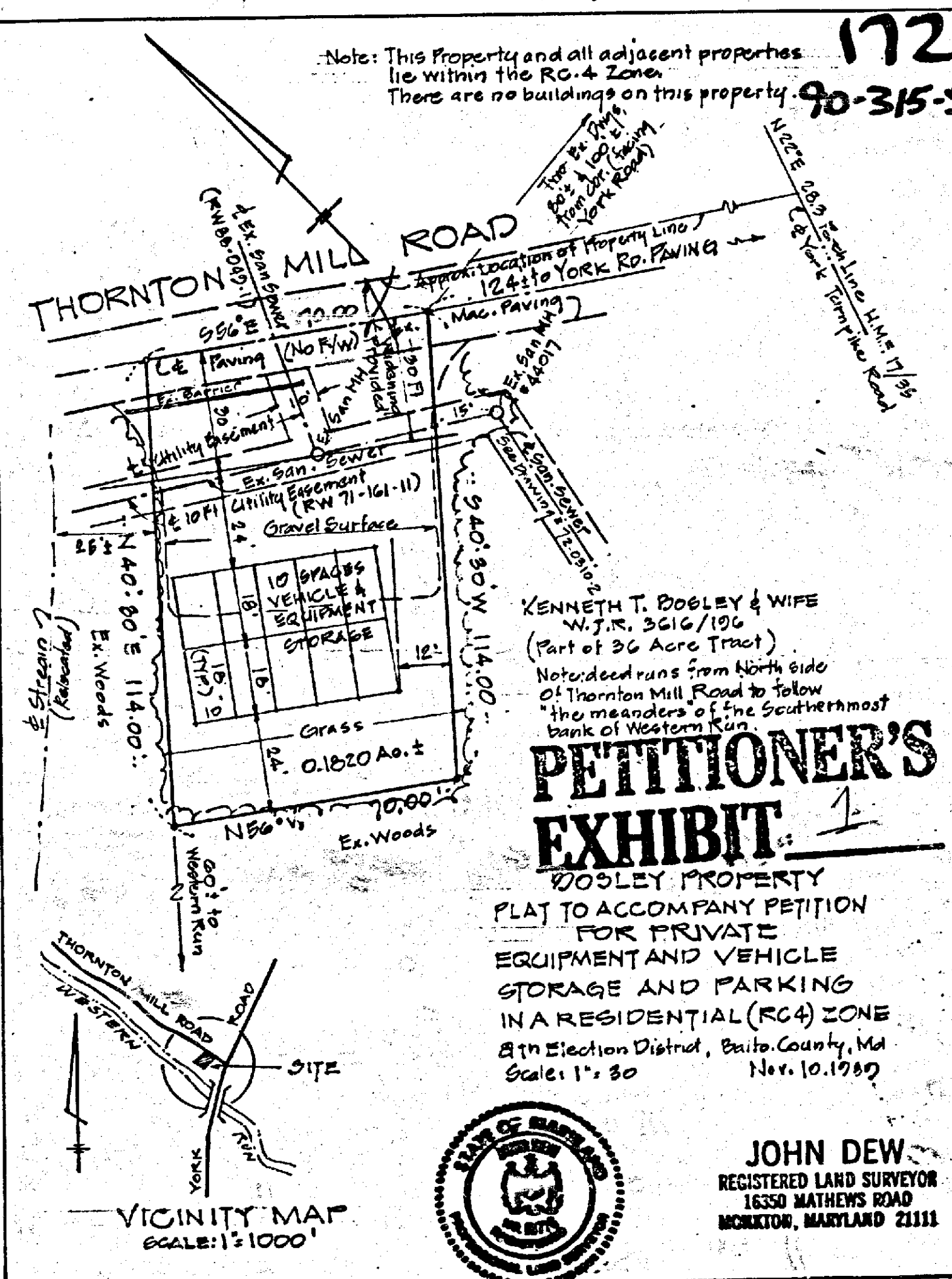
7741K - 11/22/91
2001. any from
col time 15 min.

JOHN DEW - REGISTERED LAND SURVEYOR - 16350 MATTHEWS RD., MONKTON, MD. 21111 - (301) 472-2860

DESCRIPTION OF 0.1820 ACRE PARCEL, PART OF BOSLEY PROPERTY, TO ACCOMPANY PETITION FOR PARKING IN A RESIDENTIAL ZONE

Beginning for the same at a point in the centerline of Thornton Mill Road paving at a distance of 124 feet measured along said centerline from the western edge of paving of York Road; thence leaving said Thornton Mill Road for three new lines of division, the following courses and distances:
1.) South 40 degrees 30 minutes West 114.00 feet;
2.) North 58 degrees West 70.00 feet, and
3.) North 40 degrees 30 minutes East 114.00 feet to intersect the center of said Thornton Mill Road Paving; thence binding thereon South 58 degrees East 70.00 feet to the place of beginning.

Containing 0.1820 Acres of Land, more or less.



PETITIONER'S EXHIBIT 1
WOODLEY PROPERTY
PLAT TO ACCOMPANY PETITION FOR PRIVATE EQUIPMENT AND VEHICLE STORAGE AND PARKING IN A RESIDENTIAL (RC4) ZONE
8th Election District, Baltimore County, Md
Scale: 1" = 80' Nov. 10, 1989

JOHN DEW
REGISTERED LAND SURVEYOR
16350 MATTHEWS ROAD
MONKTON, MARYLAND 21111

Baltimore County Zoning Commission

February 6, 1990

TO WHOM IT MAY CONCERN:
I, Don Riley, am owner of the property located at 13814 and 13816 York Rd. which is adjacent to the lot subject of this hearing. I have no objection to this lot being zoned commercial for parking commercial vehicles owned by County Tree Experts, which is an essential business of this area. This lot had been used for parking during the past ten years.

I am submitting this statement as I am unable to appear in person due to my work overload.

Yours truly,
Donald E. Riley, Sr.
114625 Thornton Mill Road
Sparks, Maryland 21152

PETITIONER'S EXHIBIT 2

PROTESTANT'S EXHIBIT 1

J. Robert Haines
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

RE: Special Hearing (90-315-SPH, #172)
SW/S Thornton Mill Road, 124' NW of
c/1 of York Road
8th Election District - 3rd Councilmanic District

Dear Mr. Haines,

The Greater Sparks Glencoe Community Council (GSGCC) has reviewed the issue of parking commercial vehicles on the "Thornton Mill" property owned by Kenneth T. Bouley and has determined that the granting of this request would be contrary to existing zoning law, would have potential negative environmental impacts, is not compatible with the RC zoning of this area, and could impair property values within the surrounding neighborhoods. Therefore, GSGCC is in opposition to this request and believes that it should be denied by the Zoning Commissioner.

Baltimore County Zoning Regulations (Bill No. 18, 1976; Bill No. 218, 1980) defines "... land used or intended to be used primarily for truck or truck-trailer parking or storage" as a Trucking Facility, Class II. Due to the fact that this use of the property would classify it in this manner, the following regulations would apply:

a. Paragraph 410A.2 states that "No Class II trucking facility or part thereof (including any access point or driveway)... may be located within 200 feet of a wetland..." This property is adjacent to Western Run and in a flood plain. Trucks parked on this property would be only a few feet from Western Run.

b. Paragraph 410A.3.A.1 states that "Any point of access to a public street must be on a public industrial service road, on a major collector street, or on an arterial street." Thornton Mill Road is a narrow, two lane country road and does not meet these requirements.

c. Paragraph 410A.3.B.1 states that "... the net area of the lot must be at least 5 acres and its diametral dimension must be at least 150 feet." This property does not meet this requirement.

d. Paragraph 410A.3.B.4 states that the site "... must be surrounded by security fencing at least 6 feet high" and "... the site as a whole must be enclosed by opaque fencing, walls, or

living screen planting to visually screen the use and its accessory uses from residential zones, from residential premises..." This property is situated in a very deep valley area which would make it nearly impossible to screen its use from the surrounding residential properties. Also, the dimensions of the site would make it extremely difficult to install the security fencing and visually screen the site and still have adequate space for the proper movement of vehicles.

e. Paragraph 410A.3.B.6 states that "All parking, loading, maneuvering, and storage areas must be paved..." This site is not paved and any attempt to provide paving would most probably cause environmental damage to Western Run.

f. Paragraph 410A.3.B.7 states that "Proper drainage of the entire site must be provided for." This site currently drains directly into Western Run and has been turned into mud by the current parking of trucks on the property. This mud will either wash into Western Run or be brought onto Thornton Mill Road by the truck tires.

g. Paragraph 410A.3.B.8 states that "Adequate rest-room facilities (for both sexes), a drivers' room, and telephone service for the truck drivers and other personnel must be provided on the site". These facilities do not exist on the site and it is probably impractical, if not impossible, to provide them in an effective manner.

Environmental and safety issues associated with the use of this site as a trucking facility are also of great concern to GSGCC. Trucking facilities can potentially be the source of gasoline and oil leaks or spills from the vehicles stored on the site. Since Western Run is a major feeder of the Loch Raven Reservoir, the potential for the leakage of petroleum products onto the property would be an intolerable situation. The property is also on a flood plain and the property is known to flood frequently. A major flood on this site would cause the vehicles and any other equipment or material stored on the property to be swept into Western Run, causing significant environmental and property damage and health and safety risks. The access of Thornton Mill Road onto York Road is not compatible with heavy commercial truck usage. The addition of a trucking facility into this area will definitely cause a safety problem for those people travelling on both York and Thornton Mill Roads.

A trucking facility in this area would most definitely have an adverse impact on the property values of the surrounding community. A trucking facility is not compatible with the nature of RC zoning the surrounding land uses in this area. The Baltimore County Master Plan designates this area along Western Run as a scenic corridor. The addition of a trucking facility on this site would be in conflict with, and contrary to the spirit of, the Master Plan.

Based upon the issues and information stated above, GSGCC believes that the approval of this request to allow the usage of this property as a Trucking Facility, Class II, would be inappropriate and contrary to existing zoning and environmental regulation as well as potentially injurious to the health, safety and general welfare of the surrounding communities.

Very truly yours,

John G. Leonard, Jr.
JOHN G. LEONARD, JR.
Zoning Committee Chairman
Greater Sparks Glencoe Community Council
29 Chesterfield Ct.
Monkton, Md. 21111

Paul Huffer
PAUL HUFFER
Zoning Coordinator
GSGCC Southeast District
831 Walters Lane
Sparks, Md. 21152

w/Enclosures

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

P.O. Box 396 • Sparks, Maryland 21152

PROTESTANT'S EXHIBIT 2

Mr. Robert J. Haines
Zoning Commissioner
Office of Planning & Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case #90-315-SPH

Dear Commissioner Haines:

This letter is to express our strong opposition to the request for granting a special exception to allow parking of cars, trucks and other commercial vehicles on the property located on the southwest corner of the intersection of York and Thornton Mill Roads.

This opposition stems from our concern for the natural environment and because the property in question is located immediately adjacent to Western Run, a major tributary to Loch Raven reservoir which ultimately supplies potable water to about 70% of the Baltimore metropolitan area.

I visited and photographed the property in question on February 1, 1990 and determined that there are several vehicles, trucks, cars, a mobile home, a motorcycle, and hydraulic tree-working equipment already parked on the site. It appears that several of these vehicles are not in running condition. In particular, there is one stake-body with oil and grease leaking down through the broken truck bed onto the ground underneath the truck. These vehicles are all parked on the 100-year flood plain, and the trash, etc. can get into the Western Run after a heavy rain. Furthermore, waste oil, grease, and hydraulic fluid are already seeping into the ground and will ultimately enter the ground and/or surface waters which are closely.

We feel that this use of the property is environmentally unacceptable and should not be allowed, and further that the owner should be required to move the sources of these potential pollutants off the flood plain, clean up the debris and junk, and otherwise ensure that the environment suffers no further ecological damage.

Respectfully submitted,

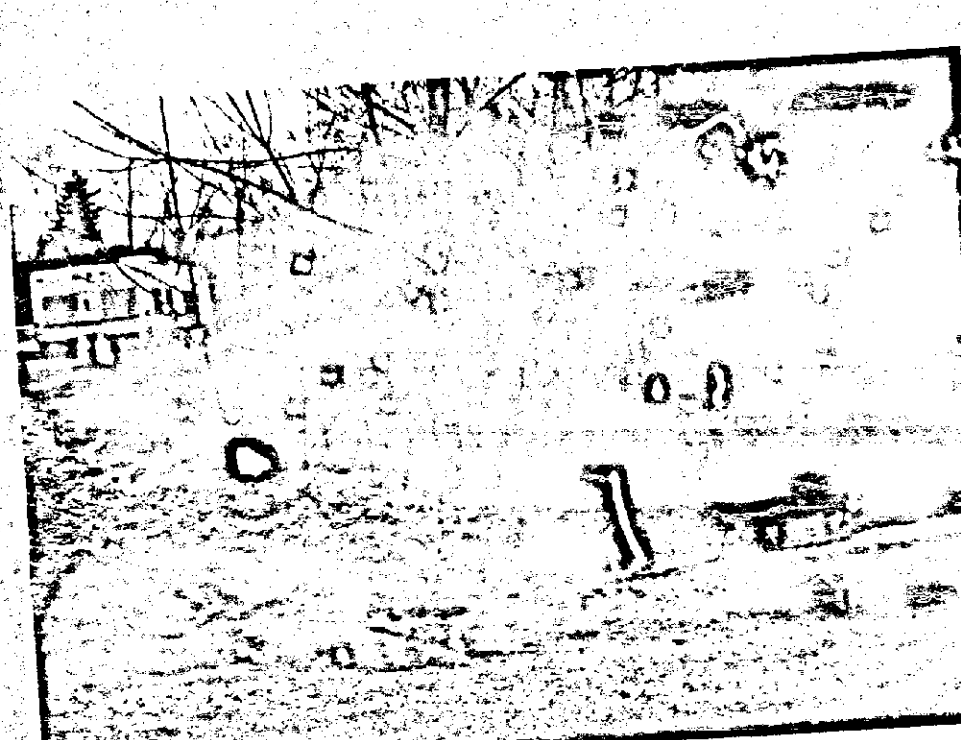
James R. Edwards, Jr.
James R. Edwards, Jr.
Chairman, Environment Committee

JRE/ljs
Enc: photos
cc: two



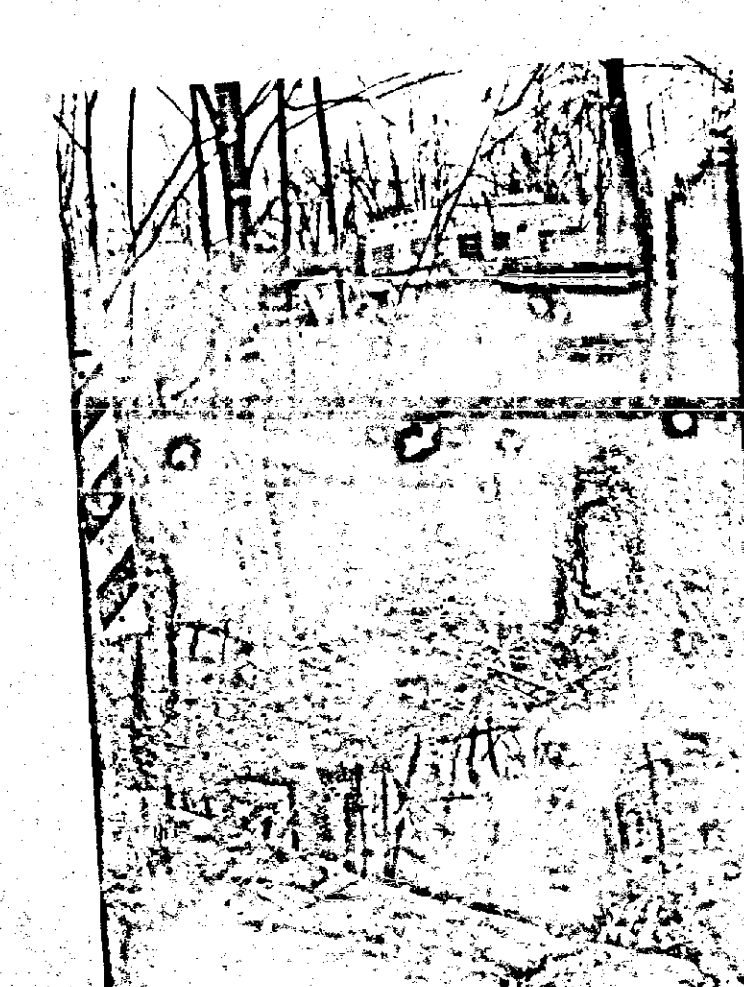
View of property showing Thornton Mill Rd foreground, young white sign at left, trucks of cars, mobilehome, etc. Western Run is near boundary of property.

PROTESTANT'S EXHIBIT 3A



Looking south at western edge of parking area, showing drainage into a feeder stream that flows into Western Run

PROTESTANT'S EXHIBIT 3B



FEB-08-1990 10:14 FROM Jerome J. Seidenman P.R. TO

7651052 P.02

Matthew I. Lynn
14305 Thornton Mill Road
Sparks, Maryland 21152
H-(301) 472-9125
W-(301) 827-2080

February 6, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

I am writing you in reference to case number 90-315-SPH regarding of land at Thornton Mill and York Road. As a resident of Thornton Mill Road, I am truly opposed to the rezoning request of this land to commercial, for the purpose of a parking lot for vehicles and equipment. This land is not only in a flood area, but it is adjacent to a branch of the Western Run River, which flows into the Loch Raven Reservoir. I would be afraid that oil, grease, and other vehicle fluids would eventually run into the water and affect our wildlife and eventually our drinking water.

This type of land use is an eyesore to the natural environment located along the water. It would also depreciate the value of property in the area.

Another concern of mine is the safety of motorists at the intersection of York and Thornton Mill Road. There is a limited site triangle due to the terrain, and I feel this land use would be creating an unnecessary, dangerous situation for travelers of Thornton Mill Road.

If commercial zoning were approved on Thornton Mill Road, I would be afraid that a precedent would be set, therefore encouraging other requests for commercial zoning. Please do not allow this to happen.

For all of the above reasons, please deny this zoning request. Thank you.

Respectfully,

Matthew I. Lynn

PROTESTANT'S EXHIBIT 4A

TOTAL P.02

100-443887-100

Case No. 90-315-SPH Kenneth T. Bosley, et ux
(Use Regulations), he further emphasized that the zoning classification does not permit such a use, even by special exception, and that there is no zoning regulation permitting a "casual use." The property is ineligible for reclassification.

Although there are numerous uses permitted as of right or by special exception in R.C. 4 zones, testimony in this case unquestionably stresses that the entire site would be restricted from development because of its location, and in particular, for the parking of commercial vehicles. The location of the subject site within 300 feet of a stream that flows into a public water reservoir is one criterion among others that makes the requested use unsuitable.

For the reasons indicated above, the Board will deny the Petition for Special Hearing and will so order.

ORDER
IT IS THEREFORE this 7th day of August, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to use .182 acre for parking commercial vehicles in an R.C. 4 zone be and the same is hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

Clarence Clark
Clarence Clark



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

August 7, 1991

Mr. Kenneth T. Bosley
Box 585
Sparks, MD 21152

RE: Case 90-315-SPH
Kenneth T. Bosley, et ux

Dear Mr. Bosley:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Bonnie Richard Delawder
Ms. Monica Cooke
Mr. Jimmy Edmunds
Mr. Paul A. Hupfer
Mr. Richard G. Ballard
People's Council for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

GREATER SPARKS-GLENCoe COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

July 18, 1991

County Board of Appeals
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attn: Kathleen C. Weidenhammer
Administrative Assistant

Reference:

Case No. 90-315-SPH Kenneth T. Bosley, ET UX

The Greater Sparks-Glencoe Community Council would like to notify the board of its intent to appear before the board concerning the reference case. Please add the GSGCC to the correspondence notification list for this case.

Paul A. Hupfer
Paul A. Hupfer
President

RECEIVED
COUNTY BOARD OF APPEALS
91 JUL 22 PM 1:07

GREATER SPARKS-GLENCoe COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

RESOLVED: That at the annual-Officers election meeting of the Greater Sparks-Glencoe Community Council Inc. held on March 13, 1991, it was decided by the community council that the responsibility for the review and action on all zoning matters for the period of one year be placed in the Zoning Committee. This committee consisting of the following members:

Mr. Jack Leonard Chairman
Mrs. Sandy Shortall
Mrs. Barbara Burke
Mrs. Wendy McIVER
Mrs. Laura Brect
Mr. Paul Hupfer

AS WITNESS OUR HANDS AND SEAL THIS 17 DAY OF JULY 1991

Attest:

Mrs. Kathy Litinas
Recording Secretary

Paul A. Hupfer
President

GREATER SPARKS-GLENCoe COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

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Mr. Jack Leonard Chairman
Mrs. Sandy Shortall
Mrs. Barbara Burke
Mrs. Wendy McIVER
Mrs. Laura Brect
Mr. Paul Hupfer

AS WITNESS OUR HANDS AND SEAL THIS 17 DAY OF JULY 1991

Attest:

Mrs. Kathy Litinas
Recording Secretary

Paul A. Hupfer
President

GREATER SPARKS-GLENCoe COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

Greater Sparks-Glencoe Community Council Inc.

Resolved: That the position of the Greater Sparks-Glencoe Community Council Inc. as adopted by the Zoning Committee on the zoning matter known as:

Case No. 90-315-SPH Kenneth T. Bosley, ET UX

is that:
The GSGCC is in support of the Zoning Commissioner finding of 16 March 1990.

Attest:

Mrs. Kathy Litinas
Recording Secretary

Paul A. Hupfer
President

GREATER SPARKS-GLENCoe COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

Greater Sparks-Glencoe Community Council Inc.

Resolved: That the position of the Greater Sparks-Glencoe Community Council Inc. as adopted by the Zoning Committee on the zoning matter known as:

Case No. 90-315-SPH Kenneth T. Bosley, ET UX

is that:
The GSGCC is in support of the Zoning Commissioner finding of 16 March 1990.

Attest:

Mrs. Kathy Litinas
Recording Secretary

Paul A. Hupfer
President

GREATER SPARKS-GLENCoe COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

State of Maryland
Baltimore County, SS;

TO WIT:
I hereby swear under penalty of perjury that I am a currently duly appointed member of the Zoning Committee for the Greater Sparks-Glencoe Community Council Inc.

Attest:

Mrs. Kathy Litinas
Recording Secretary

Paul A. Hupfer
President

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL
Post Office Box 396
Sparks, Maryland 21152

AFFIDAVIT

State of Maryland
Baltimore County, SS:

TO WIT:
I hereby swear under penalty of perjury that I am a currently
duly appointed member of the Zoning Committee for the Greater
Sparks-Glencoe Community Council Inc.

Attest:

Kathy Litinas
Mrs. Kathy Litinas
Recording Secretary

Paul A. Hupfer
Paul A. Hupfer
President

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

HEARING ROOM - Room 301
County Office Building
February 27, 1991
NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL
BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE
UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL
NO. 59-79.

CASE NO. 90-315-SPH KENNETH T. BOSLEY, ET UX
SW/s Thornton Mill Rd., 124' NW
of c/l York Road
8th Election District
3rd Councilmanic District
SPH-Parking for commercial vehicles
3/16/90 - D.L.C.'s Order DENYING
Petition.

which had been scheduled for hearing on February 27, 1991 has been
POSTPONED on the record at the request of Petitioner/Appellant and
REASSIGNED FOR: TUESDAY, JULY 23, 1991 at 10:00 a.m.
Appellant/Contract Lessee

CC: Mr. Bennie DeLawder
Mr. Kenneth T. Bosley
Ms. Monica Cooke
Mr. Jimmy Edmunds
Mr. Paul A. Hupfer
Mr. Richard G. Ballard
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Kathleen C. Weidenhammer
Administrative Assistant

RECEIVED
COUNTY BOARD OF APPEALS
91 JUL 23 AM 11:24
RICHARD G. BALLARD
SPARKS, MARYLAND 21152

July 21, 1991

County Board of Appeals
Baltimore County
111 W. Chesapeake Ave.
Towson, MD 21204

Re: Case # 90-315-SPH
Kenneth T. Bosley, Et UX

Sirs:

As your records show, I have attended all of the hearings
(and postponements) relating to the above petition. At the outset
I was warned that continued attendance was mandatory as the strategy
is often to postpone again and again until either interest is lost
or an unavoidable conflict keeps one away. At that time, the petition
can be considered, -- unopposed.

At ten o'clock, Tuesday, July 23 I must be at the Oncology
Radiation Department of G.B.M.C. for cancer radiation treatment -
828-2540, an appointment that involves too many people to reschedule.

As Mr. Bosley and his interests have exercised the right
of postponement (without any prior notice to us) I request a similar
postponement for an equally justified and unavoidable conflict.

During the last hearing (March 16, 1990, I believe) I spoke
of my objection as a close neighbor - four houses from the proposed
stream which has become a bit of an oasis for picnic lunches and
joggers. I stressed the fact that a parking apron would totally
destroy the atmosphere and beauty of the entire area, especially
if it is to be placed at the otherwise welcoming intersection.

This is no place to park commercial vehicles. It touches
the waters' edge of a stream that flows into the area's water supply
system. It stands adjacent to, and directly across the York Road
from the peaceful retirement community of hundreds of our most
contributing citizens.

We know that if this little pocket of commercialism is
permitted it will be impossible (and a continuing battle) to prevent
others from further spoiling our beautiful area from similar excep-
tions for financial gain. The area is without plumbing, drainage and
proper foundation. Twenty better locations for a truck park could
be selected in the Cockeysville area. None however, would directly
benefit Mr. Bosley.

Mr. Bosley has a beautiful farm up York Road in Sparks.
We wonder why he is not as anxious to have his frontage rezoned
for truck parking as he is to have ours done so. I cannot be there
to ask him. Would you, please?

July 21, 1991

County Board of Appeals
Baltimore County
111 W. Chesapeake Ave.
Towson, MD 21204

Re: Case # 90-315-SPH
Kenneth T. Bosley, Et UX

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As your records show, I have attended all of the hearings
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I was warned that continued attendance was mandatory as the strategy
is often to postpone again and again until either interest is lost
or an unavoidable conflict keeps one away. At that time, the petition
can be considered, -- unopposed.

At ten o'clock, Tuesday, July 23 I must be at the Oncology
Radiation Department of G.B.M.C. for cancer radiation treatment -
828-2540, an appointment that involves too many people to reschedule.

As Mr. Bosley and his interests have exercised the right
of postponement (without any prior notice to us) I request a similar
postponement for an equally justified and unavoidable conflict.

During the last hearing (March 16, 1990, I believe) I spoke
of my objection as a close neighbor - four houses from the proposed
stream which has become a bit of an oasis for picnic lunches and
joggers. I stressed the fact that a parking apron would totally
destroy the atmosphere and beauty of the entire area, especially
if it is to be placed at the otherwise welcoming intersection.

This is no place to park commercial vehicles. It touches
the waters' edge of a stream that flows into the area's water supply
system. It stands adjacent to, and directly across the York Road
from the peaceful retirement community of hundreds of our most
contributing citizens.

We know that if this little pocket of commercialism is
permitted it will be impossible (and a continuing battle) to prevent
others from further spoiling our beautiful area from similar excep-
tions for financial gain. The area is without plumbing, drainage and
proper foundation. Twenty better locations for a truck park could
be selected in the Cockeysville area. None however, would directly
benefit Mr. Bosley.

Mr. Bosley has a beautiful farm up York Road in Sparks.
We wonder why he is not as anxious to have his frontage rezoned
for truck parking as he is to have ours done so. I cannot be there
to ask him. Would you, please?

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

P.O. Box 396 • Sparks, Md. 21152

RESOLVED: That at the annual-officers election meeting of the
Greater Sparks-Glencoe Community Council Incorporated held on March
14, 1990, it was decided by the community council that the
responsibility for review and action on all zoning matters for the
period of one year be placed in the Zoning Committee consisting of
the following members:

Mr. Jack Leonard Chairman
Mr. James Edmunds IV
Mrs. Sandy Shortall
Mr. Paul Hupfer
Mrs. Barbara Burke
Mrs. Wendy McIver
Mrs. Sheila Haskell

AS WITNESS OUR HANDS AND SEAL THIS 10 DAY OF OCTOBER 1990.

Greater Sparks Glencoe Community Council Inc.

Attest:

Wendy McIver
Mrs. Wendy McIver
Secretary

Richard Lehnert
Mr. Richard Lehnert
President

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

P.O. Box 396 • Sparks, Maryland 21152

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Attest:

Wendy McIver
Mrs. Wendy McIver
Secretary

Richard Lehnert
Mr. Richard Lehnert
President

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

P.O. Box 396 • Sparks, Maryland 21152

AFFIDAVIT

State of Maryland
Baltimore County, SS:

I hereby swear under penalty of perjury that I am currently
a duly elected member of the Zoning Committee of the Greater
Sparks-Glencoe Community Council Inc.

Attest:

Wendy McIver
Mrs. Wendy McIver
Secretary

Richard Lehnert
Mr. Richard Lehnert
President

CIRCUIT COURT FOR BALTIMORE COUNTY
Case No. 90CR3941
State of Maryland vs. ROBERT FRANCIS WARD JR.
State of Maryland, Baltimore County to wit:
TO KENNETH T. BOSLEY
14611 YORK ROAD
SPARKS, MD 21152
You are hereby SUMMONED TO APPEAR in Court on February 27, 1991 at
Baltimore County, TO TESTIFY FOR THE STATE
09:15 A.M.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.
I, *Robert Francis Ward Jr.*
Clerk of the Circuit Court for Baltimore County
Do hereby certify that the foregoing is a true and correct copy of the
original filed in my office on February 13, 1991.

WITNESS INFORMATION AND
ASSISTANCE ATTORNEY'S OFFICE
887-2650

DATE SERVED: _____
DATE SERVICE NOT MADE: _____
REASON: _____

SHERIFF _____

91 FEB 27 AM 9:27
RECEIVED
COUNTY BOARD OF APPEALS

Per Mr. Bosley - he may be a little late due to above summons.
Linda

**GREATER SPARKS-GLENCOE
COMMUNITY COUNCIL**

P.O. Box 396 • Sparks, Maryland 21152

AFFIDAVIT

State Of Maryland
Baltimore County, SS:

I hereby swear under penalty of perjury that I am currently
a duly elected member of the Zoning Committee of the Greater
Sparks-Glencoe Community Council Inc.

Attest:

Wendy McIVER
Mrs. Wendy McIVER
Secretary

Richard G. Ballard
Mr. Richard Lehnert
President

**GREATER SPARKS-GLENCOE
COMMUNITY COUNCIL**

P.O. Box 396 • Sparks, Maryland 21152

Greater Sparks-Glencoe Community Council Inc.

Resolved: That the position of the Greater Sparks-Glencoe
Community Council Inc. as adopted by the Zoning Committee on the
zoning matter known as:

Case No. 90-315-SPH Kenneth T. Bosley, ET UX

is that:

The GSGCC is in support of the Zoning Commissioner finding of
16 March 1990.

AS WITNESS OUR HANDS AND SEAL THIS 20 DAY OF FEBRUARY 1991.

Attest:

Greater Sparks-Glencoe Community Council Inc.

Wendy McIVER (APK)
Mrs. Wendy McIVER
Secretary

Richard G. Ballard
Mr. Richard Lehnert
President

**GREATER SPARKS-GLENCOE
COMMUNITY COUNCIL**

P.O. Box 396 • Sparks, Maryland 21152

Greater Sparks-Glencoe Community Council Inc.

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zoning matter known as:

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16 March 1990.

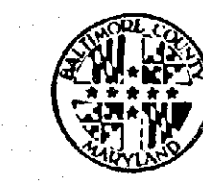
AS WITNESS OUR HANDS AND SEAL THIS 20 DAY OF FEBRUARY 1991.

Attest:

Greater Sparks-Glencoe Community Council Inc.

Wendy McIVER (APK)
Mrs. Wendy McIVER
Secretary

Richard G. Ballard
Mr. Richard Lehnert
President



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

HEARING ROOM - Room 301
County Office Building

(301) 494-3180
November 21, 1990

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL
BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE
UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL
NO. 59-79.

CASE NO. 90-315-SPH

KENNETH T. BOSLEY, ET UX
SW/s Thornton Mill Rd., 124' NW
of c/1 York Road
8th Election District
3rd Councilmanic District

SPH-Parking for commercial vehicles

3/16/90 - D.Z.C.'s Order DENYING
Petition.

which had been scheduled for hearing on December 4, 1990 has been
POSTPONED at the request of Petitioner/Appellant and has been

REASSIGNED FOR:

WEDNESDAY, FEBRUARY 27, 1991 at 10:00 a.m.

cc: Mr. Bennie DeLander

Appellant/Contract Lessee

Mr. Kenneth T. Bosley

Ms. Monita Cooke

Mr. Jimmy Edmunds

Mr. Paul A. Hupfer

Mr. Richard G. Ballard

People's Counsel for Baltimore County

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

LindaLee M. Kuszmual
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 4, 1990

Mr. Richard G. Ballard
Kallands
Sparks, MD 21152

RE: Case No. 90-315-SPH
Kenneth T. Bosley, et ux

Dear Mr. Ballard:

The Board is in receipt of your letter of November 28
regarding the subject appeal.

In response to your first question, with regard to the Board's
15-day rule for the granting of postponements, following is an excerpt
from the Board's Rules of Practice and Procedure, specifically Rule
2(c), regarding same:

"No postponement shall be granted within fifteen
(15) days next prior to the hearing date except in
extraordinary circumstances and for a reason
satisfactory to the Board, given by the party
requesting such postponement..." (emphasis added)

In response to your second inquiry, enclosed is a copy of Mr.
Bosley's postponement request in which he states his reason for said
request. As indicated within his correspondence, Mr. Bosley will be out
of town on the above date of December 4. Therefore, the Board has
postponed the subject matter and reassigned Case No. 90-315-SPH for
hearing on February 27, 1991 at 10:00 a.m.

Should you have any further questions regarding this appeal
and the hearing scheduled for February 27, 1991, please don't hesitate
to contact this office.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

encl.
cc: Mr. Kenneth T. Bosley
People's Counsel for Baltimore County
Office of Law

RICHARD G. BALLARD
KALLANDS
SPARKS, MARYLAND 21152

November 28, 1990

Ms LindaLee M. Kuszmual, Legal Secretary
County Board of Appeals
111 W. Chesapeake Ave.
Towson, MD 21204

Dear Ms Kuszmual:

Thank you for your note of Nov. 21, 1990
advising us of the postponement of the appeal of
Case # 90-315-SPH, Kenneth T. Bosley, Et UX, etc.

We also have your note of Aug. 20 in which
you set the December 4th date and stated, "NO POST-
PONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN
WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b).
NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15)
DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLI-
ANCE WITH RULE 2(c), COUNTY BILL NO. 59-79.

Would it be unfair for us, the inconvenienced,
to be told exactly what were the "GOOD AND SUFFIC-
IENT REASONS" and why we were not notified until
several days after the 15-day minimum deadline?

Cordially,

Richard G. Ballard
(301) 527-0923

04-2114 29 22 405
STATION 19 19 22 31
RECEIVED
COUNTY BOARD OF APPEALS

November 16, 1990

County Board of Appeals of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: CASE NO. 90-315-SPH KENNETH T. BOSLEY, ET UX
SW/s Thornton Mill Rd., 124' NW
of c/1 York Road
8th Election District
3rd Councilmanic District
SPH-Parking

Dear Mr. Chairman:

Request is herein made to postpone the above entitled
hearing which is assigned for Tuesday, December 4, 1990 at
10:00 a.m.

As a director and a delegate of the Farm Bureau, I must be
in Ocean City on December 4th at the Maryland Farm Bureau
Convention which includes conferences with many state
officials from Annapolis.

Thank you for your cooperation.

Yours Truly,

Kenneth T. Bosley
Kenneth T. Bosley

CC: Peoples Counsel for Baltimore County
Office of Law

Received 11/19/90
15 days before
hearing

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3553

J. Robert Haines
Zoning Commissioner

April 19, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
SW/s Thornton Mill Road
(124' NW of the c/1 of York Road)
8th Election District, 3rd Councilmanic District
KENNETH T. BOSLEY, ET UX - Petitioner
Case No. 90-315-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was
filed in this office on April 4, 1990 by Bennie DeLander. All
materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the
appeal hearing when it has been scheduled. If you have any questions
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:ccr

Enclosures

cc: Kenneth A. Bosley, Box 585, Sparks, MD 21152

Bennie Richard DeLander, 13816 York Road, Sparks, MD 21152

Monita Cooke, 14307 Thornton Mill Road, Sparks, MD 21152

Jimmy Edmunds, 15512 Horne Road, Glen Arm, MD 21152

Paul A. Hupfer, 831 Walters Lane, Sparks, MD 21152

Richard G. Ballard, 13853 Thornton Mill Road, Sparks, MD 21152

People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

APPEAL

Petition for Special Hearing
SW/S Thornton Mill Road, 124' NW of the c/l of York Road
8th Election District - 3rd Councilmanic District
KENNETH T. BOSLEY, et ux - Petitioner
Case No. 90-315-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat to accompany Petition

2. Letter of support from Donald Riley

Protestant Exhibits: 1. & 2. Letters of opposition from GSGCC

3A. & 3B. Photographs of site

4A. - 4G. Letters of opposition

5. Comments from Water Quality & Resource Management

6. Comments from Office of Planning & Zoning

Deputy Zoning Commissioner's Order dated March 16, 1990 (Denied)

Notice of Appeal received April 3, 1990 from Bennie Delawder, Contract Lessee

cc: Kenneth A. Bosley, Box 585, Sparks, MD 21152

Bennie Richard Delawder, 13816 York Road, Sparks, MD 21152

Monita Cooke, 14307 Thornton Mill Road, Sparks, MD 21152

Jimmy Edmunds, 15512 Horne Road, Glen Arm, MD 21152

Paul A. Hupfer, 831 Walters Lane, Sparks, MD 21152

Richard G. Ballard, 13853 Thornton Mill Road, Sparks, MD 21152

People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Deputy Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

Baltimore County Zoning Commissioner
1814 Chesapeake Ave.
Towson, Md. 21204

To Whom It May Concern:

This letter is a request for an appeal for the zoning decision of lot located at York and Thornton Mill Rd. Ken Bosley is owner (et ux) and Bennie Delawder is lessee.
Case No. 90-315-SPH

Bennie Delawder
13816 York Rd.
Sparks, Md. 21152
Phone: 252-8080

April 3, 1990

Rec'd 4/3/90
Zoning Office

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Mr. Kenneth T. Bosley
Box 585
Sparks, Maryland 21152

RE: PETITION FOR SPECIAL HEARING
SW/S Thornton Mill Road, 124' NW of the c/l of York Road
8th Election District - 3rd Councilmanic District
Kenneth T. Bosley, et ux - Petitioners
Case No. 90-315-SPH

Dear Mr. Bosley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Bennie R. Delawder
13816 York Road, Sparks, Md. 21152

Mr. James R. Edmunds, IV
P.O. Box 396, Sparks, Md. 21152

Mr. Paul Hupfer
831 Walters Lane, Sparks, Md. 21152

People's Counsel

File



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Kenneth T. Bosley
Box 585
Sparks, Maryland 21152

RE: Petition for Special Hearing
CASE NUMBER: 90-315-SPH
SW/S Thornton Mill Road, 124' NW of c/l of York Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Kenneth T. Bosley, et ux
Lessee: Bennie R. Delawder, et ux
HEARING: THURSDAY, FEBRUARY 8, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$ 197.89 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

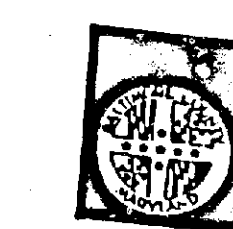
Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

cc: File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

December 19, 1989

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 90-315-SPH
SW/S Thornton Mill Road, 124' NW of c/l of York Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Kenneth T. Bosley, et ux
Lessee: Bennie R. Delawder, et ux
HEARING: THURSDAY, FEBRUARY 8, 1990 at 2:00 p.m.

Special Hearings Pending of commercial vehicles on the "Thornton Mill" property - by determination from the Zoning Commission.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Bosley
Bennie R. Delawder



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 23, 1990

Mr. & Mrs. Kenneth T. Bosley
Box 585
Sparks, MD 21152

RE: Item No. 172, Case No. 90-315-SPH
Petitioner: Kenneth T. Bosley, et ux
Petition for Special Hearing

Dear Mr. & Mrs. Bosley:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 6th day of December, 1989.

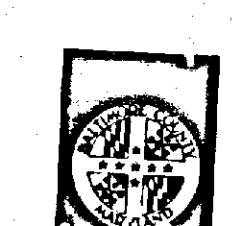
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Kenneth T. Bosley, et ux

Petitioner's Attorney:



Dennis F. Rasmussen
County Executive

RE: PETITION FOR SPECIAL HEARING
SW/S Thornton Mill Rd., 124' NW of c/l of York Road
8th Election District - 3rd Councilmanic District
KENNETH T. BOSLEY, et ux, Case No. 90-315-SPH
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 22nd day of January, 1990, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Kenneth T. Bosley, P. O. Box 585, Sparks, MD 21152, Petitioners; and Bennie R. Delawder, T/A County Tree Experts, 13816 York Rd., Sparks, MD 21152, Contract Lessee.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Fire Department
300 York Road
Towson, Maryland 21204-2500
(301) 887-4500

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: KENNETH T. BOSLEY
Location: SW/S OF THORNTON MILL ROAD
Item No.: 172 Zoning Agenda: DECEMBER 5, 1989

Gentlemen:
pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* 12-7-89
Noted and Approved
Fire Prevention Bureau
Special Inspection Division



Donna F. Rasmussen
Chief Executive

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Bennie Richard Delander 13214 York Rd Sparks Md 21152

Janeth Soby - prop

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS
Monita Cooke 1307 Thornton Mill Rd Sparks
Timmy Elmore 15512 Home Rd. Pikesville 21112
Paul A. Huffer 831 Walters Lane Sparks Md
Richard G. Ballard 13855 Thornton Mill Rd Sparks Md

February 2, 1990

RECEIVED
FEB 12 1990

ZONING OFFICE

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

RE: Special Hearing (90-315-SPH, #172)
SW/S of Thornton Mill Rd, 124' NW of 1/4 of
York Road
8th Election District - 3rd Councilmanic District

Dear Mr. Haines,

The Greater Sparks Glencoe Community Council (GSGCC) has reviewed the issue of parking commercial vehicles on the "Thornton Mill" property owned by Kenneth T. Bosley and has determined that the granting of this request would be contrary to existing zoning law, would have potential negative environmental impacts, is not compatible with the RC zoning of this area, and could impair property values within the surrounding neighborhoods. Therefore, GSGCC is in opposition to this request and believe that it should be denied by the Zoning Commissioner.

Baltimore County Zoning Regulations (Bill No. 18, 1976; Bill No. 213, 1980) defines "... land used or intended to be used primarily... for truck or truck-trailer parking or storage" as a "Trucking Facility, Class II." Due to the fact that this use of the property would classify it in this manner, the following regulations would apply:

a. Paragraph 410A.2 states that "No Class II trucking facility or part thereof (including any access point or driveway)... may be located within 200 feet of a wetland..." This property is adjacent to Western Run and in a flood plain. Trucks parked on this property would be only a few feet from Western Run.

b. Paragraph 410A.3.A.1 states that "Any point of access to a public street must be on a public industrial service road, on a major collector street, or on an arterial street." Thornton Mill Road is a narrow, two lane country road and does not meet these requirements.

c. Paragraph 410A.3.B.1 states that "... the net area of the lot must be at least 5 acres and its diameter dimension must be at least 150 feet." This property does not meet this requirement.

d. Paragraph 410A.3.B.4 states that the site "... must be surrounded by security fencing at least 6 feet high" and "... the site as a whole must be enclosed by opaque fencing, walls, or

living screen planting to visually screen the use and its accessory uses from residential zones, from residential premises..." This property is situated in a very deep valley area which would make it nearly impossible to screen its use from the surrounding residential properties. Also, the dimensions of the site would make it extremely difficult to install the security fencing and visual barriers and still have adequate area for the proper movement of vehicles.

e. Paragraph 410A.3.B.6 states that "All parking, loading, maneuvering, and storage areas must be paved..." This site is not paved and any attempt to provide paving would most probably cause environmental damage to Western Run.

f. Paragraph 410A.3.B.7 states that "Proper drainage of the entire site must be provided for." This site currently drains directly into Western Run and has been turned into mud by the current parking of trucks on the property. This mud will either wash into Western Run or be brought onto Thornton Mill Road by the truck tires.

g. Paragraph 410A.3.B.8 states that "Adequate rest-room facilities (for both sexes), a drivers' room, and telephone service for the truck drivers and other personnel must be provided on the site." These facilities do not exist on the site and it is probably impractical, if not impossible, to provide them in an effective manner.

Environmental and safety issues associated with the use of this site as a trucking facility are also of great concern to GSGCC. Trucking facilities can potentially be the source of gasoline and oil leaks or spills from the vehicles stored on the site. Since Western Run is a major feeder of the Loch Raven Reservoir, the potential for the leakage of petroleum products onto the property would be an intolerable situation. The property is also on a flood plain and the property is known to flood frequently. A major flood on this site would cause the vehicles and any other equipment or material stored on the property to be swept into Western Run, causing significant environmental and property damage and health and safety risks. The access of Thornton Mill Road onto York Road is not compatible with heavy commercial truck usage. The addition of a trucking facility into this area will definitely cause a safety problem for those people travelling on both York and Thornton Mill Roads.

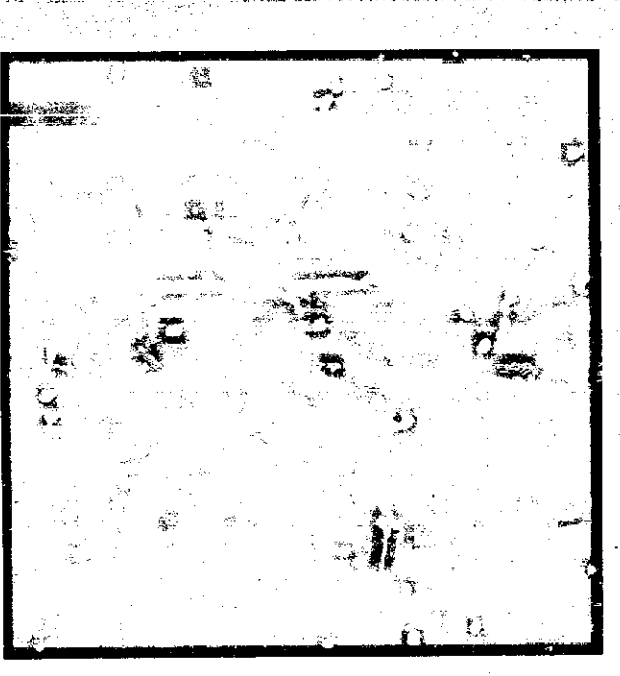
A trucking facility in this area would most definitely have an adverse impact on the property values of the surrounding community. A trucking facility is not compatible with the nature of RC zoning the surrounding land uses in this area. The Baltimore County Master Plan designates this area along Western Run as a scenic corridor. The addition of a trucking facility on this site would be in conflict with, and contrary to the spirit of, the Master Plan.

Based upon the issues and information stated above, GSGCC believes that the approval of this request to allow the usage of this property as a Trucking Facility, Class II would be inappropriate and contrary to existing zoning and environmental regulation as well as potentially injurious to the health, safety and general welfare of the surrounding communities.

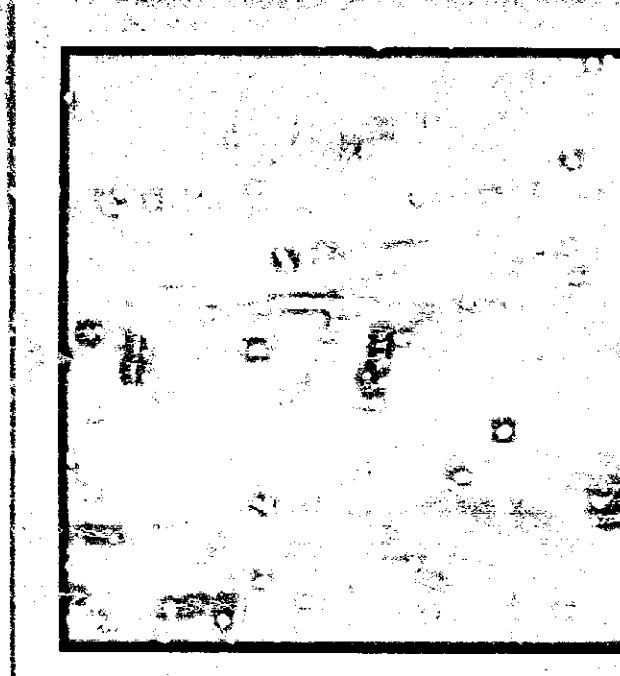
Very truly yours,
[Signature]
JOHN G. LEONARD, JR.
Zoning Committee Chairman
Greater Sparks Glencoe Community Council
29 Chestersfield Ct.
Monkton, Md. 21111

[Signature]
PAUL HUFFER
Zoning Coordinator
GSGCC Southeast District
831 Walters Lane
Sparks, Md. 21152

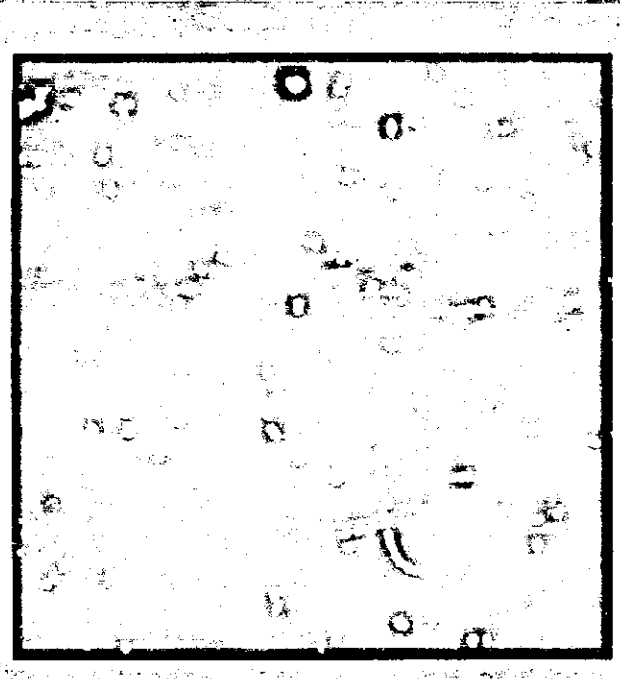
u/Enclosures



90-315-SPH
CLASS II TRUCKING FACILITY



90-315-SPH
CLASS II TRUCKING FACILITY



90-315-SPH
CLASS II TRUCKING FACILITY

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: April 30, 1990
Posted for: *Appeal*
Petitioner: *Kenneth T. Bosley, et al*
Location of property: *SW/S of Thornton Mill Road, 124' NW of 1/4 of York Rd*
Location of Sign: *South west side of Thornton Mill Road in front of subject property*
Remarks: *[Blank]*
Posted by: *S.J. Anita* Date of return: *May 2, 1990*
Number of Signs: *[Blank]*

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 11, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Jan 10, 1990.

TOWSON TIMES.
[Signature]
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: January 10, 1990
Posted for: *Special Hearing*
Petitioner: *Kenneth T. Bosley, et al*
Location of property: *SW/S of Thornton Mill Road, 124' NW of 1/4 of York Road*
Location of Sign: *SW/S of Thornton Mill Road in front of subject property*
Remarks: *[Blank]*
Posted by: *S.J. Anita* Date of return: *February 2, 1990*
Number of Signs: *[Blank]*